

PAPERS LAID ON THE TABLE.

Sri K. PUTTASWAMY (Minister for Municipal Administration).—Sri, I beg to lay on the Table a copy each of the following orders :—

(a) Order No. PLM 1 MLR 64 (3) dated 29th March 1965 (The Mysore Municipalities (Removal of Difficulties) (No. 1) Order, 1965.

(b) Order No. PLM 19 MLR dated 29th March 1965 (The Mysore Municipalities (Removal of Difficulties) (No. 2) Order, 1965. as required under sub-section (3) of section 283 of the Mysore Municipalities Act, 1964.

THE CODE OF CRIMINAL PROCEDURE (MYSORE AMENDMENT) BILL, 1965.

(Debate continued)

Sri V. S. PATIL (Belgaum II).—Sir, I have gone through the draft Bill and I feel that no major changes can be suggested so far as the bifurcation of these two branches, that is executive and judiciary.

I should like to say a few words regarding clause 50—new section that is added—section 476 (c)—power to order costs. This is a good provision. But a proviso has been added to this particular clause: A criminal court dealing with an application made to it for filing a complaint under section 476 or section 476-A, and a court dealing with an appeal under section 476-B and the High Court dealing with an application for revision shall have power to make such order as to costs as may be just.

I do not understand why the proviso has been added in the following terms :—

“Provided that no such order shall be made against the Government or any other public servant acting on behalf of the Government.”

Sir, that are two sides. A person who is the accused and a person who is prosecuting. It may be a private person or it may be the Government servant. If the Government has filed a case and if ultimately it has ended in acquittal, and if it had been filed by a private person, the court would have given the cost to the accused. Why the Government or their officers should be exempted? Because the offence is the same. The only condition is that the Government instead of a private person comes as the prosecutor. Why only a private person is to be punished by making him to pay some costs and why not Government? I should like to submit that just like in civil matters, where Government is a party, if the court considers that the Government is in the wrong, the court can award costs to this other side. Similarly, in the case of prosecutions or criminal courts also, the right must be given to the courts to award